

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

IDA NEAL, on behalf of A.N. a minor,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. C09-5258 RBL

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
AFFIRMING ADMINISTRATIVE  
DECISION

The Magistrate Judge recommends that the Court should conclude that Ida Neal, on behalf of A.N., a minor, was properly denied social security benefits because application of the proper legal standard and substantial evidence support the Administrative Law Judge's (ALJ) finding that Plaintiff is not disabled. Plaintiff has filed an objection to the Report and Recommendation and the Commissioner of Social Security filed a response.

Plaintiff's objections are primarily a restatement of the arguments presented to the Magistrate Judge. Plaintiff asserts that the ALJ erred by failing to address all the medical evidence concerning Plaintiff's impairments and that such impairments satisfy the functional equivalency standard. The Court disagrees. As detailed in the Report and Recommendation, the ALJ evaluated the six domains of functioning in detail and found plaintiff's impairments did not meet standards for childhood disability. The ALJ properly resolved conflicts and ambiguities in

1 the evidence. The ALJ is not required to include a complete review of every piece of evidence  
2 submitted, but rather the ALJ's conclusions must be supported by substantial evidence. The  
3 ALJ's conclusions are properly supported by substantial evidence and, therefore, should be  
4 upheld.

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6 Plaintiff also asserts that the ALJ erred in rejecting the testimony from Plaintiff and his  
7 mother. Again, the Court disagrees. The ALJ's adverse credibility findings were in part based  
8 on inconsistencies between the testimony and medical reports and records, as well as effective  
9 medical treatment. Thus, the ALJ's reasons for the adverse credibility finding were supported  
10 by substantial evidence in the record.

11 The Report and Recommendation properly found that the ALJ's interpretation of the  
12 evidence was rational, supported by substantial evidence, and free of legal error.

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14 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of  
15 Judge J. Richard Creatura, United States Magistrate Judge, objections to the report and  
16 recommendation, and the remaining record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;  
18 (2) The administrative decision is **AFFIRMED**; and  
19 (3) The Clerk is directed to send copies of this Order to counsel of record.

20 DATED this 20<sup>th</sup> day of April, 2010.

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23 RONALD B. LEIGHTON  
24 UNITED STATES DISTRICT JUDGE  
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